

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

DEAN BAKER,

Plaintiff,

v.

A.J. FRAZIER, INC., ET AL.,

Defendant.

Case No. 1:20-01941-GLR

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Defendants XPO Last Mile, Inc (“XPO” or “Defendant XPO”), A.J. Frazier, Inc. (“A.J. Frazier”), Joseph Frazier, Lowe’s Home Centers, LLC (“Lowe’s”) (collectively, “Defendants”), by and through their undersigned counsel, move pursuant to FED. R. CIV. P. 56 of the Federal Rules of Civil Procedure, for summary judgment on Counts I and II of Plaintiff Dean Baker’s (“Plaintiff” or “Baker”) Amended Complaint.

Defendants are entitled to judgment as a matter of law because Baker was exempt from overtime wages based on the Motor Carrier Act Exemption (49 U.S.C. § 31502(b)(2)) and the corresponding exemption under Maryland law (Md. Code Ann., Lab. & Empl. § 3-415(c)(1)).

WHEREFORE, for the foregoing reasons and for the reasons set forth in the accompanying Memorandum in Support of its Motion to Dismiss, Defendants respectfully request that this Court grant their Motion for Summary Judgment on Plaintiff’s Amended Complaint.

Dated: December 18, 2020

Respectfully submitted,

/s/

Donald E. English, Jr. (Bar No. 27534)
Liane D. Kozik (Bar No. 21336)
JACKSON LEWIS P.C.
2800 Quarry Lake Drive, Suite 200
Baltimore, Maryland 21209
Phone: (410) 415-2000
Fax: (410) 415-2001
Donald.English@jacksonlewis.com
Liane.Kozik@jacksonlewis.com

Counsel for Defendant XPO Last Mile, Inc.

Jay R. Fries (Bar No. 01234)
FordHarrison LLP
502 Washington Avenue, Suite 400
Baltimore, Maryland
Phone: (443) 470-4583
JFries@fordharrison.com

*Counsel for Defendants A.J. Frazier, Inc. and
Joseph Frazier*

Martin J. Amundson (Bar No. 19788)
Buchanan Ingersoll & Rooney PC
1700 K Street, NW, Suite 300
Washington, D.C. 20006
Tel.: (202) 452-7900
Fax: (202) 452-7989
Email: martin.amundson@bipc.com

Joseph Centeno (*pro hac vice*)
Buchanan Ingersoll & Rooney PC
50 S. 16th Street, Suite 3200
Philadelphia, PA 19102
Tel.: (215) 665-5301
Email: joseph.centeno@bipc.com

Counsel for Defendant Lowe's Home Centers, LLC

CERTIFICATE OF SERVICE

I hereby certify that Defendant XPO's Motion for Summary Judgment, Memorandum of Law in Support, and a proposed Order were filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on December 18, 2020 and by first class U.S. mail, postage pre-paid to any non-registered participants.

/s/ Donald E. English, Jr.

Donald E. English Jr.